

39-6-31 Military court -- Prosecutions in state name -- Right to defense trial counsel.

- (1) The trial counsel of a military court prosecutes in the name of the state, and shall prepare the record of the proceedings under the direction of the court.
- (2)
 - (a) The accused has the right to be represented in his defense before a military court by civilian counsel if provided by him at no expense to the state, or by military counsel of his own selection if reasonably available.
 - (b) If the accused has counsel of his own choosing, the defense counsel and any assistant defense counsel who were detailed shall act as the associate counsel to the counsel for the accused if the accused desires. Otherwise, detailed counsel shall be excused by the military judge.
- (3) In a court proceeding resulting in a conviction, the defense counsel may forward for attachment to the record of proceedings a brief of matters that should be considered on behalf of the accused on review, including any objection to the contents of the record.
- (4) An assistant trial counsel of a military court may, under the direction of the trial counsel, or as trial counsel when he is so qualified, perform any duty imposed by law, regulation, or the custom of the service on the trial counsel of the court. An assistant trial counsel of a military court may perform any duty of the trial counsel.
- (5) An assistant defense counsel of a military court may, under the direction of the defense counsel or when he is qualified to be the defense counsel, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.

Amended by Chapter 110, 1993 General Session